

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

JESSE PIERCE and MICHAEL PIERCE,)	
on behalf of themselves and all others)	
similarly situated,)	CASE NO. 3:13-cv-641
)	
Plaintiffs,)	Magistrate Judge: Debra C. Poplin
vs.)	
)	
WYNDHAM VACATION RESORTS,)	COLLECTIVE ACTION COMPLAINT
INC., and WYNDHAM VACATION)	FOR VIOLATIONS OF THE FAIR
OWNERSHIP, INC.,)	LABOR STANDARDS ACT OF 1938
)	
Defendants.)	
_____)	

PLAINTIFFS' MOTION TO ASCERTAIN STATUS

Come Plaintiffs and respectfully file this Motion to Ascertain Status regarding the Court's reassessment of damages following appeal.

On April 29, 2019, the Sixth Circuit Court of Appeals rendered its opinion on the appeal of the above-captioned matter, confirming liability and remanding the case back to this Court solely to reassess damages. *Doc. 50-2, Sixth Cir. Op.*

On July 10, 2019, the parties filed a Joint Status Report agreeing that the Court could reassess damages based on the Sixth Circuit's April 29, 2019 Opinion and the current record, and also proposed a briefing schedule on this issue. *Doc. 464, Joint Status Report.*

By Order entered July 12, 2019, the Court set a briefing schedule for opening briefs, responses to opening briefs and reply briefs. Per the Court's July 12, 2019 Order briefing was to conclude by October 4, 2019. *Doc. 465, Order.*

In accordance with the Court's July 12, 2019 Order, the parties submitted their respective briefs, which concluded with the parties' reply briefs being filed on October 4, 2019.

The matter has been under advisement with the Court for a little over a year.

As the Court is aware, Plaintiffs contend that Defendants owe them millions of dollars in unpaid overtime wages stretching back a decade to October 23, 2010, for which they have yet to receive payment. To compound matters, many of the Plaintiffs continue to work – or look for work – in the timeshare industry, which has been devastated by the effects of COVID-19, resulting in many layoffs, furloughs, terminations, and financial hardship. As a result, Plaintiffs’ counsel regularly and routinely receive calls from their clients regarding the case status.

Counsel for Plaintiffs are fully aware and respect the fact that the Court has a full docket and many other cases which compete for the Court’s time and attention. So that counsel for Plaintiffs’ may accurately respond to client inquiries regarding status, Plaintiffs respectfully request that the Court set a status conference or otherwise provide the parties with the status of the case, including the anticipated date by which the Court expects to render an opinion reassessing damages.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 8, 2010, a true and correct copy of the foregoing has been served on the following individuals via the court's electronic service:

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